

REMARKS

Claims 1-5, 7-12, 17, 18, 20 and 21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Renna.

Applicants traverse the above rejection based on the following comments.

In rejecting the claims, the Examiner is primarily referring to Figs. 1-4 and in particular, is equating the claimed gum holding ring to the parts that are identified by the legends A and T in the cited reference. Renna is actually directed to a plug for sucking a beverage from a bottle and includes supporting means for housing and supporting a dissolvable food praline, labeled P in the drawings. As shown in Figs. 1-4, the device has a bottom fixing portion A, a middle portion B and a top contoured portion C. The middle portion B includes a seat S for supporting a supporting means T which itself supports the praline P. The bottom fixing portion A is attached to a bottle, as by threading the bottom portion A onto the bottle and liquid contained in the bottle can freely flow through openings 3a formed in the supporting means T into contact with the praline P.

It will be appreciated from the drawings that the supporting means T and the bottom portion A are separate members and that the supporting means T is in the form of a disk that is inserted and positioned within an annular shoulder (seat S) formed in the bottom portion A. The threads 1a are formed to thread the bottom portion A onto the bottle.

Claim 1 has been amended to recite an apparatus for enhancing a chewing gum experience. The apparatus includes a gum holding ring having an upstanding member for receiving and holding a piece of chewed gum. The gum holding ring has a base section that defines a first locating member and a second locating member, wherein the ring is an integral, unitary structure that includes the upstanding member and the base section. The apparatus includes a first container body releasably and slidably coupled to a first section of the gum holding ring. A bottom edge of the first container body seats against the first locating member which limits vertical movement of the first container body. The first container body defines a first compartment. The apparatus includes a second container body releasably and slidably coupled to a second section of the gum

holding ring. An upper edge of the second container body seats against the second locating member which limits vertical movement of the second container body towards the first container body. The second container body defines a second compartment for storing candy.

Applicants respectfully submit that the cited reference fails to disclose at least one feature of claim 1 and in particular, claim 1 requires that the gum holding ring be an integral, unitary structure that includes the upstanding member and the base section that defines a first locating member and a second locating member. A bottom edge of the first container body seats against the first locating member which restricts vertical movement of the first container body. An upper edge of the second container body seats against the second locating member which restricts vertical movement of the second container body towards the first container body. The first and second container bodies are releasably and slidably coupled to the first and second sections, respectively, of the gum holding ring. These features are lacking in the cited reference.

While the Examiner has identified several potential shoulders that are formed as part of the bottom fixing portion A, these shoulders do not have the characteristics of the claimed features. In particular, the seat S which is an annular should serves only to receive the supporting means T, which it is worth noting that the supporting means T, is *not* integral with the bottom portion A and therefore, does not form a single, unitary structure. This difference is also not a mere matter of design choice since it is important to be able to remove the supporting means T from the rest of the components for insertion or removal of the praline P.

In addition, claim 1 requires that the unitary ring have *both* first and second locating members which not only locate the first and second container bodies but also limit vertical movement of these bodies relative to the ring. While it appears that the top D engages the top portion C in the cited reference and seats again an outer shoulder of the bottom portion A which therefore would restrict vertical movement, there is absolutely no second locating member that serves not only to locate a second container body (what the Examiner has identified as the bottle in the cited reference) but also limits vertical movement of the second container body. The only other shoulder in the bottom portion A is in the form of the seat S; however, this seat S serves to receive

the separate supporting means T (disk shaped) and clearly, the second container body does not and can not interact or seat against the seat S for a number of reasons, including the fact that the seat S already includes the supporting means T and further and more importantly, the second container body (the bottle in Renna) is not slidably coupled to the bottom portion A but instead is threadably mated therewith and therefore, is not at all interacting with seat S.

For at least these reasons, one or more features of claim 1, as amended, as neither disclosed nor suggested by the prior art reference and therefore, the rejection of claim 1 should be withdrawn. There simply is no single component in the Renna reference that slidably mates with first and second container bodies and includes features (locating and stop members) that locate and limit the movement of the received first and second container bodies.

Further, claim 1 recites that the second container body is slidably coupled to the ring by seating against the second locating member. This is simply not the case in the cited reference and in fact, the bottom is true, in that the bottom portion A of the cited reference is fastened to the bottle using threaded fastening means. The bottle is not slidably coupled to the bottom portion A.

Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Renna in view of Cecere (6,565,899), Coleman et al. (2003/0152672), Chan (6,730,339), Coleman et al. (2003/0206999), and Hart et al. (2003/0118700); claims 13-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Renna in view of Jolly (2,980,039); and claims 16 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Renna in view of Boettger (2,835,246), Owen (2,389,385), Swain (3,139,976), and Towns (3,164,279).

Claims 2-20 should be allowed as depending from what should be an allowed independent claim 1, as amended. Applicants respectfully submit that the secondary references cited above fail to cure the deficiencies of the primary Renna reference and therefore, these grounds of rejection should be withdrawn. In particular, none of the secondary references discloses the claimed ring with unitary structure and first and second locating members along with the sliding

action of the first and second container bodies. Based on the foregoing, withdrawal of the rejection is in order.

With respect to the Examiner's contention that the ring has both flange and a shoulder for allowing seating of the first container body, while the top part D may fit on the part C, there is certainly no disclosure, as described in detail above, that the same part has two different locating members that seat with and restrict movement of container bodies.

Reconsideration and withdrawal of the rejections are earnestly solicited.

With respect to independent claim 21, Applicants have amended claim 21 to recite a candy article that includes one or more pieces of gum; a plurality of flavorful crunchy candy bits and a device for enhancing a chewing gum experience. The device includes a gum holding ring having a base section and an upstanding member connected thereto by a plurality of radial connecting members. The upstanding member is adapted to receive and hold a chewed piece of gum. The device also includes a first container body releasably and slidably coupled to a first section of the gum holding ring by a friction fit between the first container body and the first flange. The first container body defines a first compartment which stores the one or more pieces of gum. The device has a second container body releasably and slidably coupled to a second section of the gum holding ring by a friction fit between the second container body and the second flange. The second container body defines a second compartment for storing the flavorful crunchy candy bits.

The Examiner previously correctly noted that the chewing gum and candy were not positively recited in the original claims 1-21 and therefore, these elements were not given any weight. Applicants have now amended claim 21 to recite a candy article that positively recites the chewing gum and the candy and their position within the device and relation to each other.

Based on the amendment to claim 21, Applicants respectfully submit that the cited references fail to show the claimed candy article in that none of the references disclose or even contemplate containing chewing gum in one compartment, while candy bits are stored in another compartment that communicates with the one compartment. For example, in Hoeting et al., the

placement of gum in the top cover would result in the gum falling directly into the base and in Renna, the “ring” holds praline that is to be dissolved with the beverage contained below and therefore, it is essential that the bottom contains a beverage that contacts and interacts in an intended manner with the praline held by the “ring”.

Based on the foregoing, reconsideration and allowance of claim 21, as amended, are respectfully requested at this time.

Claims 1-5, 7-12, 17, 18, 20, and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hoeting et al. (5,993,870) in view of Renna, Paulin (5,085,330), Killips (2004/02533351), Hamlin (5,312,014), and Bacanskas (2003/0012854).

Applicants traverse this rejection for the following reasons.

Hoeting et al. disclose a device for storing and coating a confectionary product having a handle. The holder has a base and a removable cover for gaining access to the confectionary product, with the base containing edible coating. The confectionary product is held on a handle which is an elongated post and the cover is pivotally attached to the base at hinge 60.

The Examiner admits that Hoeting et al. do not disclose the claimed gum holding means (ring) and therefore looks to Renna for this teaching. However and as mentioned above, Renna simply fails to teach or suggest the features of amended claim 1 and further, the combination of Renna and the Hoeting et al. structure is not possible since the ring in Renna is designed to engage the supporting means; however, Hoeting et al. have neither the structure nor the intent to place such a ring between the pivotal cover and the base. In fact, Hoeting et al. has a means for holding the confectionary product, namely, the handle 104, which is securely attached at one end to a support structure that is part of the base.

Accordingly, for the reasons previously stated, this rejection should be withdrawn since the combination of these references fails to disclose or even suggest the arrangement and ring structure recited in amended claim 1.

Reconsideration and withdrawal of this ground of rejection are earnestly solicited.

Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Hoeting et al. in view of Renna, Paulin, Killips, Hamlin, Bacanskas, further in view of Cecere, Coleman et al., and Hart et al.; claims 13-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hoeting et al. in view of Renna, Paulin, Killips, Hamlin, Bacanskas, further in view of Jolly; and claims 16 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hoeting et al. in view of Renna, Paulin, Killips, Hamlin, Bacanskas, further in view of Boettger, Owen, Swain and Towns.

Claims 2-20 should be allowed as depending from what should be an allowed independent claim 1, as amended. Applicants respectfully submit that the secondary references cited above fail to cure the deficiencies of the primary Renna reference and therefore, these grounds of rejection should be withdrawn. In particular, none of the secondary references discloses the claimed ring with unitary structure and first and second locating members along with the sliding action of the first and second container bodies. Based on the foregoing, withdrawal of the rejection is in order.

For the reasons already discussed above, Applicants submit that claim 21, as amended, is not rendered unpatentable by the combination of Hoeting et al. with the other references. In particular, the arrangement of the claimed structural components, chewing gum and candy bits, is simply lacking and not contemplated by the references.

